

ILLINOIS POLLUTION CONTROL BOARD

October 25, 1973

HYON WASTE MANAGEMENT SERVICES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 73-396
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent)	

ORDER OF THE BOARD (by Mr. Henss)

The Environmental Protection Agency has filed Motion to Dismiss Appeal from Denial of Permit. The Agency claims that the appeal is insufficient in failing to list the facilities for which permit is sought, failing to describe the contaminant emissions and in failing to identify the standards which the Agency has supposedly applied in an improper manner. The Motion to Dismiss is denied. The Agency has sufficient information to go to trial. This petition is for renewal of a permit which had previously been issued by the Agency. The facilities involved and the contaminants are presumably known to the Agency. We don't see how the Appellant could identify the reasons for denial of a permit unless the Agency has first indicated its reasons for such denial. This contention goes to one of the key issues in the case, a claim that Hyon has been denied procedural due process by the Agency refusal to disclose the underlying reasons why the Agency refuses to grant the required permits. This is not an issue to be disposed of prior to hearing.

The Motion to Dismiss Appeal from Denial of Permit is denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 25th day of October, 1973 by a vote of 5 to 0.

Christan L. Moffett